BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

ERIC HASKIN)
Claimant	
VS.	
) Docket No. 222,001
STATE OF KANSAS)
Respondent	
AND	
)
STATE SELF INSURANCE FUND)
Insurance Carrier)

ORDER

Respondent appeals from the Decision entered by Administrative Law Judge Pamela J. Fuller on August 14, 1998.

APPEARANCES

Glenn I. Kerbs of Dodge City, Kansas, appeared on behalf of claimant. Marcia L. Yates of Topeka, Kansas, appeared on behalf of respondent and its insurance carrier.

RECORD AND STIPULATIONS

The Appeals Board has considered the record and adopted the stipulations listed in the Decision.

Issues

Claimant, a Kansas Highway Patrol trooper, was injured October 27, 1996, when he returned to his residence to retrieve his uniform jacket. The ALJ found claimant was on duty and awarded benefits. Respondent, citing K.S.A. 44-508(f), argues the "going and coming" rule precludes benefits. Whether claimant's accidental injury arose out of and in the course of his employment is the sole issue for review.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the briefs, the Appeals Board finds the award by the ALJ should be affirmed. The Board does so for the reasons stated in the findings and conclusions expressed in the Decision by the ALJ. The Board hereby approves those findings and conclusions and adopts them as its own.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Decision entered by Administrative Law Judge Pamela J. Fuller dated August 14, 1998, should be, and hereby is, affirmed.

Dated this day of No	ovember 1998.
	BOARD MEMBER
	BOARD MEMBER
	BOARD MEMBER

c: Glenn I. Kerbs, Dodge City, KS Marcia L. Yates, Topeka, KS Pamela J. Fuller, Administrative Law Judge Philip S. Harness, Director

IT IS SO ORDERED.